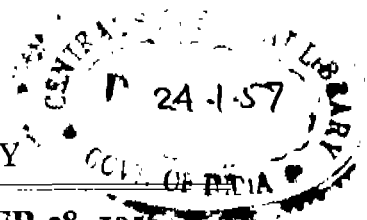


The Gazette of India



सत्यमेव जयते

EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY



No. 77] NEW DELHI, FRIDAY, DECEMBER 28, 1956

MINISTRY OF LAW

New Delhi, the 28th December, 1956

The following Act of Parliament received the assent of the President on the 27th December, 1956, and is hereby published for general information:—

THE DISPLACED PERSONS (COMPENSATION AND REHABILITATION) AMENDMENT ACT, 1956

No. 86 OF 1956

[27th December, 1956]

An act to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1956.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the twenty-second day of October, 1956.

44 of 1954. 2. In section 2 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (hereinafter referred to as the principal Act),— Amendment of section 2.

(i) in clause (d), in sub-clause (iii), for the words “by the Central Government or a State Government of any property or any interest therein;”, the following shall be substituted, namely:—

“of any property or interest therein by—

(a) the Central Government; or

(b) any State Government; or

12471)

(c) any body corporate or other authority or person financed by the Central Government or a State Government for the purpose of the acquisition, development or construction of any immovable property for the rehabilitation of displaced persons;”;

(ii) in clause (e), for the words “but does not include”, the following shall be substituted, namely:—

“and includes any claim registered on or before the 31st day of May, 1953, under the East Punjab Refugees (Registration of Claims) Act, 1948, or under the Patiala Refugees (Registration of Land Claims) Ordinance, 2004, and verified by any authority appointed for the purpose by the Government of Punjab, the Government of Patiala or the Government of Patiala and East Punjab States Union, as the case may be, which has not been satisfied wholly or partially by the allotment of any evacuee land under the relevant notification specified in section 10 of this Act, but does not include—”.

East Punjab
Act XII of
1948.
Ord. 10 of
2004 BK.

Amendment of section 11. 3. In section 11 of the principal Act, sub-section (2) shall be omitted.

Amendment of section 19. 4. In section 19 of the principal Act, for sub-section (2), the following sub-section, shall be substituted, namely:—

“(2) Where any person,—

(a) has ceased to be entitled to the possession of any evacuee property by reason of any action taken under sub-section (1), or

(b) is otherwise in unauthorised possession of any evacuee property or any other immovable property forming part of the compensation pool;

he shall, after he has been given a reasonable opportunity of showing cause against his eviction from such property, surrender possession of the property on demand being made in this behalf by the managing officer or managing corporation or by any other person duly authorised by such officer or corporation.”.

5. In section 20 of the principal Act, in clause (d) of sub-section (1), after the words "to a displaced person", the following words shall be inserted, namely:—

Amendment
of section 20.

"or any association of displaced persons, whether incorporated or not, or to any other person".

6. (1) After section 20 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
20A.

31 of 1950.

"20A. (1) Where any evacuee or his heir is entitled to the restoration of any evacuee property on an application made by him in this behalf under section 16 of the Administration of Evacuee Property Act, 1950 (hereinafter in this section referred to as the Evacuee Property Act), and the Central Government is of opinion that it is not expedient or practicable to restore the whole or any part of such property to the applicant by reason of the property or part thereof being in occupation of a displaced person or otherwise, then, notwithstanding anything contained in the Evacuee Property Act and this Act, it shall be lawful for the Central Government—

Utilisation of
compensation
pool in
connection
with restoration
of evacuee property
in certain
cases.

(a) to transfer to the applicant in lieu of the evacuee property or any part thereof, any immovable property in the compensation pool or any part thereof, being in the opinion of the Central Government as nearly as may be of the same value as the evacuee property or, as the case may be, any part thereof, or

(b) to pay to the applicant such amount in cash from the compensation pool in lieu of the evacuee property or part thereof, as the Central Government having regard to the value of the evacuee property or part thereof, may, in the circumstances deem fit.

Explanation.—The provisions of this sub-section shall apply, whether or not, a certificate for the restoration of the evacuee property has been issued to the applicant under sub-section (1) of section 16 of the Evacuee Property Act, as in force immediately before the commencement of the Administration of Evacuee Property (Amendment) Act, 1956, if the evacuee property has not in fact been restored to the applicant.

(2) Where in pursuance of sub-section (1) any evacuee or his heir has been granted any immovable property from the compensation pool or has been paid any amount in cash from the compensation pool, his application under section 16 of the Evacuee Property Act for the restoration of the evacuee property shall be deemed to have been disposed of, and his right, title and interest in such evacuee property shall be deemed to have been extinguished but such extinguishment shall not affect the power of the Central Government to acquire the evacuee property under section 12 of this Act.

Substitution
of new
section for
section 21.

7. For section 21 of the principal Act, the following section shall be substituted, namely:—

Recovery of
certain sums
as arrears of
land
revenue.

“21. (1) Any sum payable to the Government or to the Custodian in respect of any evacuee property, under any agreement, express or implied, lease or other document or otherwise howsoever, for any period prior to the date of acquisition of such property under this Act, which has not been recovered under section 48 of the Administration of Evacuee Property Act, 1950, and any sum payable to the Government in respect of any property in the compensation pool, may be recovered in the same manner as an arrear of land revenue. 31 of 1950.

(2) If any question arises whether a sum is payable to the Government or to the Custodian within the meaning of sub-section (1) in respect of any property referred to therein, it shall be referred to the Settlement Commissioner within whose jurisdiction the property is situated, and the Settlement Commissioner shall, after making such inquiry as he may deem fit and giving to the person by whom the sum is alleged to be payable an opportunity of being heard, decide the question; and the decision of the Settlement Commissioner shall, subject to any appeal or revision under this Act, be final and shall not be called in question by any court or other authority.

(3) For the purposes of this section, a sum shall be deemed to be payable to the Custodian, notwithstanding that its recovery is barred by the Indian Limitation Act, 1908, or any other law 9 of 1908, for the time being in force, relating to limitation of actions.”

Repeal and
saving.

8. (1) The Displaced Persons (Compensation and Rehabilitation) Amendment Ordinance, 1956, is hereby repealed.

7 of 1956.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the date on which such thing was done or action was taken.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

CORRIGENDUM

In the Code of Civil Procedure (Amendment) Act, 1956 (No. 66 of 1956) published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 3rd December, 1956, on page 1128, in clause (b) of sub-section 9 of section 14 for the words, brackets and letter "(b) any District Court or other Court specially", read "(b) after sub-rule (1) as so renumbered, the following".